

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOHN PERKINS,

Plaintiff,

v.

T ANDERSON *et al.*,

Defendants.

Case No. C06-5160 FDB

ORDER ADOPTING  
REPORT AND  
RECOMMENDATION AND  
DISMISSING COMPLAINT  
WITHOUT PREJUDICE


The Magistrate Judge recommends that this civil rights action be dismissed without prejudice as the sole claim for relief is by writ of habeas corpus. As detailed by the Magistrate Judge, the Plaintiff is seeking relief that would entitle him to a speedier release from imprisonment (propriety of revoking good time credits). Such relief must be filed as a habeas corpus petition.

The Court, having reviewed Plaintiffs' complaint, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) This action is **DISMISSED WITHOUT PREJUDICE** for the reasons outlined in the Report and Recommendation. Plaintiff may not proceed with a civil rights action if a ruling in his favor would imply his current confinement is unlawful;

(3) Clerk is directed to send copies of this Order to counsel for plaintiff, and to the Hon. J. Kelley Arnold.

DATED this 9<sup>th</sup> day of June, 2006.

  
FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE